

ARC-144661-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

JUL 08 2005

In re application of: Bishun N. Khare and Meyya Meyyappan

Filed: April 5, 2004

Group No.: Unknown

Serial No.: 10/828,524

Examiner: Unknown

For: "Functionalization Of Carbon Nanotubes"

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (703) 872-9306**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF PRIOR FILED NONPROVISIONAL APPLICATION [37
CFR 1.78(a)(3)]**

The time period for claiming the benefit of a prior filed nonprovisional application to the above-identified continuation-in-part application has lapsed. The time period for claiming the priority benefit is within the latter of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed nonprovisional application.

Prior Filed Nonprovisional Application No. 10/320,698

Filing Date December 13, 2002

**APPLICANT HEREBY PETITIONS FOR ACCEPTANCE OF A CLAIM FOR BENEFIT OF A
PRIOR FILED NONPROVISIONAL APPLICATION TO THIS CONTINUATION-IN-PART
APPLICATION**

A grantable petition requires the following items:

- (1) Petition Fee
- (2) Reference required by 37 CFR 1.78(a)(5)
- (3) Statement that the entire delay was unintentional.

07/12/2005 BABRAHA1 00000053 140116 10828524
01 FC:1454 1370.00 DA

1. Petition fee and payment

- ☒ Other than small entity – fee \$1370.00 (37 CFR 1.17(t))
- ☒ Please charge \$1370.00 to Deposit Account No. 14-0116. A duplicate of this paper is attached.
- ☒ Please charge any additional fees necessary to effect this petition and/or deposit any overpayment to Deposit Account No. 14-0116.

ARC-144661-2

PATENT

2. Reference required by 37 CFR 1.78(a)(5)

☒ The following reference is submitted in a substitute specification:

This application claims the benefit of U.S. Nonprovisional Application No.
10/320,698, filed December 13, 2002.

3. STATEMENT: The entire delay in claiming priority to the nonprovisional application from the filing date of the continuation-in-part application to the filing of a grantable petition under 37 CFR 1.78(a)(6) was unintentional.

<u>John F. Schipper</u> Signature	<u>08 July 2005</u> Date
<u>John F. Schipper</u> Typed or printed name	<u>26,994</u> Registration Number
<u>Mail Stop 202A-4</u> Address	<u>(650) 604-0887</u> Telephone Number
<u>Moffett Field, California 94035-1000</u> Address	

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence comprising:

Transmittal Form (1 page)
Petition to Accept Unintentionally Delayed Priority Claim (2 pages)
Substitute Specification (pages)

is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown to the United States Patent and Trademark Office as (703) 872-9306.

07/08/2005
Date

Vickie L. Kent
Signature

Vickie L. Kent
Typed or printed name of person signing certificate